

Message Text

LIMITED OFFICIAL USE

PAGE 01 NEW DE 02551 241451Z

46

ACTION NEA-09

INFO OCT-01 EUR-12 EA-06 ISO-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-03 H-01 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 SAJ-01 SAM-01

SAB-01 IO-10 AID-05 PC-01 OMB-01 NIC-01 /086 W

----- 022464

O R 241300Z FEB 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 7080

INFO AMEMBASSY DACCA

AMEMBASSY ISLAMABAD IMMEDIATE

AMEMBASSY KABUL

AMEMBASSY KATHMANDU

AMEMBASSY LONDON

AMEMBASSY TEHRAN

AMEMBASSY MOSCOW

AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL LAHORE

AMCONSUL MADRAS

AMCONSLU HONG KONG

CINCPAC

USLO PEKING

AMCONSUL KARACHI

LIMITED OFFICIAL USE NEW DELHI 2551

E. O. 11652: N/A

TAGS: PFOR, IN, PK

SUBJ: KASHMIR - MRS. GANDHI ANNOUNCES AGREEMENT WITH SHEIKH
ABDULLAH

REF: NEW DELHI 2119

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 NEW DE 02551 241451Z

SUMMARY: MRS. GANDHI ANNOUNCED TO PARLIAMENT FEBRUARY 24 THE

AGREEMENT UNDER WHICH SHEIKH ABDULLAH ASSUMES POWER IN THE STATE OF JAMMU AND KASHMIR FEBRUARY 25. THE AGREEMENT CONFIRMS OUR VIEW (NEW DELHI 2119) THAT KASHMIR'S POSITION WITHIN INDIA REMAINS UNCHANGED. ABDULLAH FAILED TO ACHIEVE MOST OF HIS DEMANDS AND HAD TO SETTLE FOR ASSURANCES THAT INDIA WOULD NOT REMOVE WHAT REMAINS OF KASHMIR'S SPECIAL STATUS WITHOUT THE STATE'S CONCURRENCE. HE MAY STILL GET THE TITLE "WAZIR-E-AZAM" (URDU FOR PRIME MINISTER) IF THE STATE LEGISLATURE CHANGES THE STATE CONSTITUTION TO THAT EFFECT. (SEE REFTEL FOR OUR ESTIMATE OF REACTIONS WITHIN KASHMIR AND ITS RELEVANCE TO THE SIMLA AGREEMENT.) END SUMMARY.

1. MRS. GANDHI READ TO PARLIAMENT FEB. 24 A STATEMENT WHICH WE ARE TRANSMITTING BY SEPTTEL TO SELECTED ADDRESSEES. WE ARE ALSO TRANSMITTING BY SEPTTEL THE "AGREED CONCLUSIONS" REACHED BY MIRZA AFZAL BEG AND G. PARTHASARATHY DURING THEIR NEGOTIATIONS OVER THE CONSTITUTIONAL QUESTIONS AND LETTERS EXCHANGED BETWEEN MRS. GANDHI AND ABDULLAH, ALL OF WHICH SHE LAID ON THE TABLE OF THE HOUSE.

2. UNCHANGED CONSTITUTIONAL STATUS: MRS. GANDHI EMPHASIZED THAT THERE WILL BE "NO WEAKENING OF THE TIES" BETWEEN INDIA AND THE STATE. THE FEDERAL GOVERNMENT RETAINS JURISDICTION OVER "ACTIVITIES DIRECTED TO WARD QUESTIONING OR DISRUPTING THE SOVEREIGNTY AND TERRITORIAL INTEGRITY OF INDIA, OR BRINGING ABOUT CESSION OR SECESSION OF ANY PART OF THE TERRITORY OF INDIA." THE STATE CONSTITUTION WILL BE AMENDED TO REQUIRE ASSENT OF THE PRESIDENT OF INDIA TO CHANGE THE POWERS OF THE GOVERNOR OR CHANGE ITS PROVISIONS REGARDING ELECTIONS. (THIS MIRRORS ARTICLE 368 OF THE FEDERAL CONSTITUTION WHICH REQUIRES STATE GOVERNMENT ASSENT BEFORE CONSTITUTIONAL AMENDMENTS ARE EXTENDED TO KASHMIR.) THE FEDERAL GOVERNMENT WILL CONSIDER "SYMPATHETICALLY" STATE GOVERNMENT REQUESTS FOR CHANGES IN LAWS EXTENDED TO THE STATE AFTER 1953 AND FALLING UNDER THE "/CONCURRENT LIST" (SOCIAL WELFARE, CULTURE, SOCIAL SECURITY, ETC.).

3. ARTICLE 370: MRS. GANDHI MADE CLEAR IN HER STATEMENT AND IN THE ANSWER TO A QUESTION FROM JANA SANGH LEADER VAJPAYEE THAT THE GOVERNMENT OF INDIA WILL RETAIN ARTICLE 370 OF THE CONSTITUTION FOR LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 NEW DE 02551 241451Z

TUTION, WHICH REQUIRES STATE GOVERNMENT ASSENT FOR EXTENSION OF FEDERAL LAWS TO THE STATE. HER STATEMENT SAID, "... THE EXTENSION OF FURTHER PROVISIONS OF THE CONSTITUTION TO THE STATE WILL CONTINUE TO BE GOVERNED BY THE PROCEDURE PRESCRIBED IN ARTICLE 370." WHEN VAJPAYEE NOTED THAT ARTICLE 370 WAS A "TEMPORARY AND TRANSITIONAL PROVISION" OF THE CONSTITUTION, SHE REPLIED THAT ARTICLE 370 COULD NOT BE REMOVED WITHOUT CONCURRENCE OF THE STATE LEGISLATURE. THE STATE DID NOT REQUEST

THIS WHEN IT PREPARED ITS OWN CONSTITUTION AND, AS A CONSEQUENTLY, ARTICLE 370 BECAME PERMANENT IN 1956.

4. WHERE SHEIKH ABDULLAH GAVE IN: MRS. GANDHI EXPLAINED THAT MIRZA AFZAL BEG, NEGOTIATING FOR SHEIKH ABDULLAH, REQUESTED CURTAILMENT OF THE FEDERAL SUPREME COURT IN KASHMIRE. THE GOI COULD NOT AGREE, ALTHOUGH IT DID AGREE THAT THE STATE HIGH COURT ALONE WILL ISSUE CERTIFICATES OF APPROVAL FOR APPEAL TO THE FEDERAL SUPREME COURT. (THE SUPREME COURT WILL REQUISITION THE RIGHT WHICH IT HAS IN OTHER STATES TO APPROVE AN APPEAL DISALLOWED BY THE STATE HIGH COURT.) BEG ALSO WANTED TRANSFER OF INDIA'S EQUIVALENT OF THE BILL OF RIGHTS TO THE STATE CONSTITUTION, REMOVAL OF CONTROL OF THE FEDERAL ELECTION COMMISSION, AND CONCURRENCE OF THE STATE GOVERNMENT IN EXTENSION OF "PRESIDENT'S RULE," OR EMERGENCY FEDERAL CONTROL. MRS. GANDHI SAID, "IT WAS NOT FOUND POSSIBLE TO AGREE TO ANY OF THESE PROPOSALS. I MUST SAY TO THE CREDIT OF SHEIKH ABDULLAH THAT DESPITE HIS STRONG VIEWS ON THESE ISSUES, HE HAS ACCEPTED THE AGREED CONCLUSIONS"

5. PRAISE OF SHEIKH ABDULLAH: MRS. GANDHI BEGAN HER STATEMENT BY SAYING, " ... SHEIKH ABDULLAH HAD PLAYED A NOTABLE PART IN THE FREEDOM STRUGGLE AND IN THE ACCESSION OF THE STATE OF JAMMU AND KASHMIRE TO THE INDIAN UNION DESPITE THE DIFFERENCES WHICH LED TO THE SUBSEQUENT ESTRANGEMENT IT SEEMED CLEAR FROM THE PUBLIC STATEMENTS MADE BY SHEIKH ABDULLAH AS WELL AS PERSONAL TALKS WITH HIM THAT HIS COMMITMENT TO BASIC NATIONAL IDEALS AND OBJECTIVES HAD REMAINED UNCHANGED." SHE THEREFORE TREATED THE EVENTS OF 1953, WHICH LED TO THE OUSTER OF SHEIKH ABDULLAH FROM THE KASHMIRE GOVERNMENT, AS AN ABERRATION.

6. THE ONE UNRESOLVED ISSUE: AS WE NOTED IN THE REFTEL, LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 NEW DE 02551 241451Z

SHEIKH ABDULLAH STILL HASN'T GOTTEN THE TITLE "WAZIR-E-AZAM," WHICH WOULD APPEAR TO BE IMPORTANT FOR HIM IF HE IS TO CLAIM TO HIS SUPPORTERS IN THE KASHMIR VALLEY THAT HE HAS ACHIEVED SOMETHING IN HIS NEGOTIATIONS. MRS. GANDHI IMPLIED, HOWEVER, THAT HE WILL GET THIS. SHE SAID THAT IT REQUIRES AMENDMENT OF THE STATE CONSTITUTION BY THE STATE LEGISLATURE. THE CHIEF MINISTER (I.E., THE SHEIKH) WON'T OBJECT, AND THIS IS NOT ONE OF THE SUBJECTS REQUIRING PRESIDENTIAL APPROVAL.

7. OPPOSITION REACTION: HINDU NATIONALIST JANA SANGH LEADER VAJPAYEE TERMED THE AGREEMENT A SELL-OUT, AND HIS PARTY HAS ALREADY CALLED FOR PROTESTS IN JAMMU THE DAY THE SHEIKH ASSUMES POWER, FEBRUARY 25. A SOCIALIST MEMBER ASKED ABOUT THE SHEIKH'S REPORTED SUPPORT FOR A FEDERATION OF INDIA, BANGLADESH AND PAKISTAN AND HIS MEETING WITH J. P. NARAYAN. MRS. GANDHI

REPLIED TO THE EFFECT THAT SHE ONLY HAD PRESS REPORTS OF WHAT
HE SAID AND, IN ANY CASE, SHE WOULD FOLLOW HIS COMMENTS
CLOSELY ONLY ONCE HE BECAME CHIEF MINISTER. (IN FACT, HIS COMMENT
ABOUT A POSSIBLE FEDERATION APPEARED FROM THE PRESS REPORTS TO
HAVE BEEN MILD RESPONSE TO A VERY LEADING QUESTION.) THERE
WILL BE FURTHER DEBATE AFTER PARLIAMENT STUDIES THE TEXTS
OF THE DOCUMENTS.
SCHNEIDER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTITUTION, AGREEMENTS, KASHMIR, POLITICAL LEADERS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975NEWDE02551
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750064-0827
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750219/aaaaaqjl.tel
Line Count: 177
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 NEW DELHI 2119
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 16 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 JUN 2003 by BoyleJA>; APPROVED <27 OCT 2003 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: KASHMIR - MRS. GANDHI ANNOUNCES AGREEMENT WITH SHEIKH ABDULLAH
TAGS: PFOR, IN, PK, (GANDHI, INDIRA), (ABDULLAH, SHEIKH)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006